

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA**

CIVIL ACTION FILE NO. 3:24-CV-00602

Life Butter, LLC

Plaintiff,

v.

BPI Equipment, Inc.

Defendant,

Joint Motion for Extension of Time

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rule 7.1, Plaintiff Life Butter, (“Life Butter”), with the consent of Defendant BPI Equipment, Inc. (“BPI Equipment”), moves the Court for a sixty day extension of time, through and including October 29, 2024, to answer or otherwise respond to BPI Equipment’s Motion to Dismiss, and a thirty day extension of time, through and including November 4, 2024, to the deadline to amend pleadings.

1. BPI Equipment filed a Motion to Dismiss in this action on July 26, 2024.
2. The current deadline for Life Butter to respond is August 30, 2024, pursuant to a previous extension of time granted by the Court.
3. As set forth in the Initial Scheduling Order entered by the Clerk, the Parties’ deadline to amend pleadings is October 4, 2024.
4. The Parties have been earnestly engaged in settlement negotiations and believe they have reached agreement on all material issues in this litigation and are in the process of preparing a settlement agreement.

5. The settlement terms on which the Parties have agreed require Defendant to manufacture an additional part for the Machine, and to travel to Plaintiff's location for a day of installation, calibration, and testing, and a day of training.

6. Because the actions set forth in the Parties' settlement agreement will take time to complete, the Parties jointly request these extensions of time to preserve judicial resources and avoid unnecessary litigation, when they believe they have agreed to all material terms of settlement, and have only to formalize the settlement agreement and complete performance of the settlement terms.

7. The Parties request a 60 day extension of Plaintiff's deadline to respond to Defendant's Motion to Dismiss, and a 30 day extension of the deadline to amend pleadings.

8. Pursuant to 3(b)(vi) of this Court's Standing Order Governing Civil Case Management, this Motion for Extension of Time is being filed at least three (3) business days before the Plaintiff's deadline to file its Response to Defendant's Motion to Dismiss, and well before three (3) business days before the deadline to amend pleadings.

9. This Motion is made in good faith and is not intended for purposes of delay.

10. The extensions of time requested by this Motion will not impact any scheduled motions hearing or trial date.

11. A proposed Order granting the requested extension will be submitted with this Motion.

WHEREFORE, the Parties respectfully requests the Court enter an Order extending the time for Life Butter to file a response or otherwise respond to the Motion to Dismiss in this matter through and including October 29, 2024, and extending the Parties' time to amend pleadings through and including November 4, 2024.

This the 26th day of August, 2024.

By: /s/ Bailey King

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Certificate of Service

I hereby certify that on this day, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of this filing and an electronic copy of same to all counsel of record registered with the CM/ECF system.

This the 26^h of August, 2024.

HULL & CHANDLER, P.A.

By: /s/ Elizabeth Vennum
Elizabeth Vennum